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CITY OF YONKERS

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AGENDA FOR ZONING BOARD OF APPEALS

June 30, 2021

PLEASE TAKE NOTICE:

THE CITY OF YONKERS ZONING BOARD OF APPEALS MEETING SCHEDULED FOR TUESDAY, JULY 20, 2021 AT 6:00 PM, WILL BE HELD IN THE COUNCIL CHAMBERS, YONKERS CITY HALL, 4TH FLOOR. CURRENT CDC GUIDELINES SHALL CONTINUE TO BE OBSERVED REGARDING ATTENDANCE BY THE PUBLIC.

PLEASE CHECK THE WEBSITE WWW.YONKERSNY.GOV, THE DAY OF THE MEETING FOR VIEWING/STREAMING AND ADDITIONAL INFORMATION.

DECISIONS

5660 –Area Variance – James G. Dibbini Esq., on behalf of Nepperhan Heights Associates, LLC, owner, on premises known as **540 Nepperhan Ave**, Block 2179, Lot: 25, Zone: I (B20584)

5661 –Area Variance – James G. Dibbini Esq., on behalf of Nepperhan Heights Associates, LLC, owner, on premises known as **578 Nepperhan Ave**, Block: 2179, Lot: 5, Zone: I (B20596)

#5716 – Improvement to a Non-Conforming Use – Gibbons Engineering, PC, on behalf of 687 Nepperhan Corp, owner, on premises known as **687 Nepperhan Avenue**, Block: 2420, Lot: 12, Zone: I (B22644)

5746– Area Variance – Jacob Schofield, owner, on behalf of himself, on premises known as **17 Livingston Avenue**, Block: 163, Lot: 54, Zone: M (B24021)

5747– Area Variance – William S. Null, Esq., on behalf of Parkview Equities LLC, owner, on premises known as **15 Parkview Avenue**, Block: 5652, Lot: 43, Zone: A (B27258)

5749– Improvement to a Non-Conforming Use – Andrew Romano, Esq., on behalf of CSAR Holding LLC, owner, on premises known as **782 North Broadway**, Block: 3021, Lot: 5, Zone: S-50 (B26664)

5750– Area Variance – Randolph Carter, R.A., on behalf of The Church of Jesus Christ of Latter-Day Saints, owner, on premises known as **201 Glenwood Avenue aka 176 Park Avenue**, Block: 2161, Lot: 39, Zone: MG (B27042)

5753– Area Variance – James G. Dibbini, Esq., on behalf of Monique Abrams, owner, on premises known as **2 Stoneleigh Road**, Block: 4961, Lot: 47, Zone: S-100 (B26714)

5754– Area Variance – Andrew Romano, Esq., on behalf of Leonard Winstanley, owner, on premises known as **44 (54) Shelburne Road**, Block: 3208, Lot: 54 & 56, Zone: S-50 (A1755)

CONTINUED HEARINGS

5715 – Area Variance – Tom F. Abillama, R.A., on behalf of 1969 Central Park Avenue LLC, owner, on premises known as **1969 Central Park Avenue**, Block: 4385, Lot: 206, Zone: BR (B19994)

5727 – Area Variance – Andrew Maniglia of Ginsburg Development, on behalf of Pier LLC 70, owner, on premises known as **70 Pier Street**, Block: 146, Lot: 1.4, Zone: M (B24085)

5730 – Area Variance – James J. Veneruso, Esq., on behalf of 2700 Central Park Avenue Partners LLC, owner, on premises known as **2592 (2700) Central Park Avenue**, Block: 4877, Lot: 60, Zone: BR (B24536) ****ADJOURNED**

5736– Area Variance – James J. Veneruso, Esq., on behalf of 26 West 5th Street LLC, contract vendee, on premises known as **83-94 Vineyard Avenue & 150 Ridge Avenue**, Block: 2170, Lots: 9, 78, 82, 84, 85, Zone: M (B23753)

5740– Area Variance – Janet J. Giris, Esq., Esq., on behalf of N Broadway LLC, owner, on premises known as **316 North Broadway & 315 Palisade Avenue**, Block: 2155, Lot: 59 & 16, Zone: M (B22920)

5743– Area Variance – David Steinmetz, Esq., on behalf of Miroza Tower LLC, owner, on premises known as **40 aka 44 Hudson Street**, Block: 502, Lot: 1.10, Zone: DWD (B26744)

5744– Area Variance – Andrew Romano, Esq., on behalf of Martin J. Loftus, Jr., owner, on premises known as **118 Kingsley Drive**, Block: 4412, Lot: 54, Zone: S-60 (B22712)

5745– Area Variance – Andrew Romano, Esq., on behalf of Croton Terrace Enterprises Inc., owner, on premises known as **14 Orchard Street**, Block: 2076, Lot: 17, Zone: CM (B22842)

5748– Area Variance – Andrew Romano, Esq., on behalf of Smerlin Cuello, owner, on premises known as **212 Warburton Avenue**, Block: 2097, Lot: 60, Zone: M (B23151)

5751– Non-Conforming Use – Stephen A. Veneruso, Esq, on behalf of 155 Warburton Ave Realty LLC, owner, on premises known as **155 Warburton Avenue**, Block: 2099, Lot: 13, Zone: CM (B24278)

5752– Area Variance – Andrew Romano, Esq., on behalf of AR Consulting Engineer PC, owner, on premises known as **50 Vineyard Avenue**, Block: 2078, Lot: 12, Zone: A (B23684)

NEW HEARINGS

5755– Area Variance – Andrew Romano, Esq., on behalf of Claris Colon, owner, for interior alterations to convert one family house to two family house, having:

- *Insufficient lot area per family, Section 43-27, Table 43-3 (required 2,500 sf, proposed 1,850 sf);*
- *Insufficient parking 43-128/43-4; 1 & 2 family dwellings require two (2) parking spaces per unit (2-family requires 4 cars/proposed 3 cars);*

on premises known as **52 Clark Street**, Block: 6103, Lot: 40, Zone: T (B24082)

5756– Area Variance – Andrew Romano, Esq., on behalf of Jacqueline Simone, owner, to legalize front yard parking, whereas:

- *Parking within minimum front yard is not permitted per Section 43-133(A)(1), elimination of garage also eliminates the ability to park in driveway;*
- *Parking space to be 8'-6W x 18'-0"L; Section 43-134A(9);*

on premises known as **28 Whitman Road**, Block: 4355, Lot: 91, Zone: S-60 (B17988)

5757– Area Variance – James G. Dibbini, Esq., on behalf of John Daily, Jr., owner, for re-apportionment of lot for existing three family dwelling, whereas:

- *Apportionments may not impair conformity with requirements of all yards, with respect to the Zoning Ordinance. Ref. 43-33.D. (side yard and total side yard for the existing multiple dwelling on proposed lot 28, are being made non-conforming);*
- *Proposed lots are dimensionally nonconforming and therefore not buildable. Ref. 43-33.D and 43-33.F. (a 37.5 ft. wide lot in Zone A is not buildable);*
- *Any existing parking shall not be reduced. Ref. 43-131.A, and 43-131.C.(3).(required: one existing space on proposed lot 29, proposed: no parking space if lots are separated);*
- *No accessory residential use or structure may be established on a lot, prior to the establishment of the principal building. Ref. 43-40.A.(required: no structures on proposed lot 29, proposed: one parking space, and a shed existing);*

on premises known as **124 Vineyard Avenue**, Block: 2174, Lot: 28.32, Zone: A (A189)

5758– Use & Area Variance – Steven A. Accinelli, Esq., on behalf of The Plant Powerhouse LLC, owner, for proposed improvements to the former Glenwood Power Plant buildings, whereas:

- *Proposed use not permitted, Section 43-27, Table 43-1. [non-residential garage in a residential zone];*
- *Exceeding maximum permitted height, Section 43-27, Table 43-3 (required: 36 ft. ; proposed: unknown);*
- *Insufficient side yard, Section 43-27, Table 43-3 (required 12 ft., proposed 6 ft.);*
- *Insufficient front yard, Section 43-27, Table 43-3 (required: 25 ft., proposed: 8 ft.);*
- *No accessory use or structure may be established on a lot prior to establishment of a principal building. Ref. 43-42.A;*
- *Semi-public parking structures shall be provided on the same lot as the principal use, or separate lot under same ownership, and not more than 300 feet from the principal use, Ref. 43-44.B.(2). [Provide evidence of ownership. Distance appears to be greater than 300 feet];*
- *No accessory uses or structures are permitted in the front yard, except for fences and walls. Ref. 43-42.C.(1). [the garage encroaches into front yard];*

on premises known as **45 Water Grant Street**, Block: 2635, Lot: 1, Zone: IP (B27856)

5759– **Area Variance** – Daniel D. Tartaglia, Esq., on behalf of Verus Development LLC, contract vendee, to construct a 12 story structure with 105 units of rental senior housing and 53 parking spaces, having:

- *Insufficient side yard, Section 43-27, Table 43-3 (required 16 ft. one side, proposed 0 ft. one side);*
- *Insufficient front yard, Section 43-27, Table 43-3 (required 25 ft., proposed 10 ft.);*
- *Insufficient parking, Section 43-128, Table 43-4 (required 53 spaces, proposed 53 spaces including spaces beyond the property line, 6 on VFW easement, and 19 on NY State D.O.T. easement);*
- *Parking within 5 feet of a building on the same lot is not permitted, Reference Yonkers Zoning Ordinance 43-44.A.9.b;*
- *Parking within the minimum side yard not permitted, Section 43-133(A)1;*
- *Parking within 5 feet of all property lines not permitted, Reference Yonkers Zoning Ordinance 43-44.A.9.b;*
- *No Accessory Use may be located closer than 3 ft. to a side property line. Ref. 43-40.D.(4) {Trash Storage on property line};*

on premises known as **345 McLean Avenue**, Block: 59, Lot: 75, Zone: A (B27461)

OFF-AGENDA ITEMS

Case #5529	450 Walnut Street	Extension Request
Case #5692	1097 North Broadway	Extension Request
Case #5642	750 Central Park Avenue	Extension Request
Case #5696	470 Nepperhan Avenue	Extension Request
Case #5730	2592 aka 2700 Central Pk Ave	Adjournment (until Sept, 2021)


JOSEPH CIANCIULLI
CHAIRMAN, ZBA